

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, *ex rel.*,  
W. Benson Chiles and Chris Manthey,

Plaintiffs,

-v-

Cooke Inc. *et al.*,

Defendants.

Case No. 1:21-cv-05743 (JMF)

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS COOKE INC., COOKE AQUACULTURE INC., COOKE OMEGA  
INVESTMENTS INC., COOKE SEAFOOD USA, INC., OMEGA PROTEIN  
CORPORATION, OMEGA PROTEIN, INC., GLENN COOKE, AND BRET D.  
SCHOLTES' NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, dated August 20, 2024, the accompanying Declaration of David Pivnick, dated August 20, 2024, and exhibits annexed thereto, and upon all the pleadings and proceedings in this matter, Defendants Cooke Inc., Cooke Aquaculture Inc., Cooke Omega Investments Inc., Cooke Seafood USA, Inc., Omega Protein Corporation, Omega Protein, Inc., Glenn Cooke, and Bret D. Scholtes (collectively, the "Cooke Defendants"), respectfully move this Court, before the Honorable Jesse M. Furman, United States District Judge, at the Thurgood Marshall United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York 10007, on a date and time to be determined by the Court, for an Order pursuant to Rules 8, 9(b), and 12(b)(6) of the Federal Rules of Civil Procedure, granting the Cooke Defendants' Motion to Dismiss Relators' Amended Complaint for failure to state a claim upon which relief can be granted and failure to plead with the requisite particularity, and for such other, further, or different relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that the Cooke Defendants preserve their right to file and serve a reply in response to any opposition submitted by Relators.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to this Court's July 15, 2024 Order (Dkt. 43), any opposition papers shall be served upon the undersigned and filed by the Relators within sixty (60) days of the filing of this Motion and Memorandum in Support, and any reply papers shall be served and filed by the Cooke Defendants within twenty-one (21) days after filing and service of any opposition papers.

Dated: New York, New York  
August 20, 2024

Respectfully submitted,

/s/ David J. Pivnick  
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